

REMARKS

Claims 1-26 remain pending in this application. In the Final Office Action,¹ the Examiner rejected claims 1, 8, and 15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,594,683 to Furlani et al. ("Furlani"); rejected claims 22-26 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,548,750 to Larsson et al. ("Larsson"); and rejected claims 2-7, 9-14, and 16-21 under 35 U.S.C. § 103(a) as being unpatentable over *Furlani* in view of *Larsson*.

I. **Rejection of Claims 1, 8, and 15 Under 35 U.S.C. § 102(e)**

Applicants respectfully traverse the rejection of claims 1, 8, and 15 under 35 U.S.C. § 102(e) as being anticipated by *Furlani*. In order to properly establish that *Furlani* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants submit that *Furlani* does not teach or suggest each and every element of Applicants' claims.

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art, case law, and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement of characterization in the Final Office Action.

Claim 1 recites a method comprising, for example, “checking whether the ID is stored in a first lock object and whether the ID is associated with the second storage location.”

Furlani discloses that “[t]he ‘group lock’ object 303 . . . contains a ‘group lock identification’ field 325.” *Furlani*, col. 8, lines 46-48; see also Fig. 3. However, *Furlani* fails to disclose “checking whether the [group lock identification field 325] is stored in a first lock object and whether the [group lock identification field 325] is associated with a second storage location,” as recited in claim 1. Therefore, *Furlani* fails to disclose or suggest “checking whether the ID is stored in a first lock object and whether the ID is associated with the second storage location,” as recited in claim 1.

For at least the foregoing reasons, *Furlani* fails to anticipate claim 1. Furthermore, claims 8 and 15, although different in scope from claim 1, are allowable for at least reasons similar to those given for claim 1. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 8, and 15 under 35 U.S.C. § 102(e).

II. Rejection of Claims 22-26 Under 35 U.S.C. § 102(b)

Applicants respectfully traverse the rejection of claims 22-26 under 35 U.S.C. § 102(b) as being anticipated by *Larsson*. *Larsson* does not teach or suggest each and every element of Applicants’ claims.

Independent claim 22 recites a memory comprising, for example, “a first lock object storing . . . a link . . . to a second storage location.”

The Examiner alleges that the LID table of *Larsson* corresponds to the claimed “first lock object.” Final Office Action at 4. Even assuming the Examiner’s allegation is correct, which it is not, *Larsson* fails to teach the claimed “first lock object.”

In contrast, *Larsson* discloses that “[t]he local backup handlers . . . go through the LID table . . . and check the value of the BackupSynch variable. . . . If [the BackupSynch variable] is equal to ‘include’ [then] the object will be copied to the backup area, [and] if [the BackupSynch variable] is equal to ‘exclude’ [then] the object will not be copied.” *Larsson*, col. 8, lines 5-10. However, *Larsson* fails to disclose that the LID table “stor[es] . . . a link . . . to a second storage location,” as recited in claim 1. Therefore, *Larsson* fails to disclose or suggest “a first lock object storing . . . a link . . . to a second storage location,” as recited in claim 1.

For at least the foregoing reasons, *Larsson* fails to anticipate claim 22. Furthermore, dependent claims 23-26 are allowable at least due to their dependence from allowable base claim 22. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 22-26 under 35 U.S.C. § 102(b).

III. Rejection of Claims 2-7, 9-14, and 16-21 Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 2-7, 9-14, and 16-21 under 35 U.S.C. § 103(a) as being unpatentable over *Furlani* in view of *Larsson*. A *prima facie* case of obviousness has not been established.

“The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” M.P.E.P.

§ 2142(III). “[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . are as follows:

- (A) [Determining the scope and content of the prior art;]
- (B) Ascertaining the differences between the claimed invention and the prior art; and
- (C) Resolving the level of ordinary skill in the pertinent art.”

M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

As discussed above, *Furlani* fails to disclose or suggest “checking whether the ID is stored in a first lock object and whether the ID is associated with the second storage location,” as recited in independent claim 1, and required by dependent claims 2-7.

Larsson fails to cure the deficiencies of *Furlani*. That is, *Larsson* also fails to disclose or suggest “checking whether the ID is stored in a first lock object and whether the ID is associated with the second storage location,” as recited in independent claim 1, and required by dependent claims 2-7.

For at least the foregoing reasons, the scope and content of the prior art have not been properly determined, and the differences between the prior art and claims 2-7 have not been properly ascertained. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered claims 2-7 obvious to one of ordinary skill in the art. Therefore, a *prima facie* case of obviousness has not been established with respect to claims 2-7. Furthermore, claims 9-14 and 16-21, although

different in scope from claims 2-7, are allowable for at least reasons similar to those given for claims 2-7. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 2-7, 9-14, and 16-21 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 6, 2008

By: Peter Y.
Peter C. Yi
Reg. No. 61,790
202.408.4485